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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:
**WESTCOAST AUTO CARE; RUDY
CARAVES; HECTOR MANUEL
QUINTANILLA**
1402 Santa Monica Blvd.
Santa Monica, CA 90404
Automotive Repair Dealer Registration No.
ARD 265308
Smog Check Station License No. RC 265308

Respondent.

Case No. 79/15-31

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 29, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/15-31 against Westcoast Auto Care; Rudy Caraves; Hector Manuel Quintanilla (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)
2. On or about May 31, 2011, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 265308 to Respondent. The Automotive Repair Dealer Registration expired on May 31, 2013, and has not been renewed.

1 3. On or about June 8, 2011, the Bureau of Automotive Repair issued Smog Check
2 Station License No. RC 265308 to Respondent. The Smog Check Station License expired on
3 May 31, 2013, and has not been renewed.

4 4. On or about September 4, 2014, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 79/15-31, Statement to Respondent, Notice of Defense,
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
7 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
8 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
9 address of record was and is: 1402 Santa Monica Blvd., Santa Monica, CA 90404.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 6. On or about September 19, 2014, the aforementioned documents were returned by the
14 U.S. Postal Service marked "No Forwarding Address." The address on the documents was the
15 same as the address on file with the Bureau. Respondent failed to maintain an updated address
16 with the Bureau and the Bureau has made attempts to serve the Respondent at the address on file.
17 Respondent has not made himself available for service and therefore, has not availed himself of
18 his right to file a notice of defense and appear at hearing.

19 7. Government Code section 11506 states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent
21 files a notice of defense, and the notice shall be deemed a specific denial of all parts
22 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

23 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
24 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
25 79/15-31.

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1 9. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the
3 hearing, the agency may take action based upon the respondent's express admissions
4 or upon other evidence and affidavits may be used as evidence without any notice to
5 respondent.

6 10. Pursuant to its authority under Government Code section 11520, the Director after
7 having reviewed the proof of service dated September 4, 2014, signed by Teresa Sutton, and
8 return envelopes finds Respondent is in default. The Director will take action without further
9 hearing and, based on Accusation, No. 79/15-31, proof of service and on the Affidavit of Bureau
10 Representative Joseph B. Cheung, finds that the allegations in Accusation are true.

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Westcoast Auto Care; Rudy
13 Caraves; Hector Manuel Quintanilla has subjected their Smog Check Station License No. RC
14 265308 to discipline.

15 2. The agency has jurisdiction to adjudicate this case by default.

16 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
17 Repair Dealer Registration based upon the following violations alleged in the Accusation which
18 are supported by the evidence contained in the affidavit of Bureau Representative Joseph B.
19 Cheung in this case.:

20 a. Respondent West Coast Auto Care has subjected their station license to discipline
21 pursuant to Health and Safety Code section 44050, subdivision (e), in that the Bureau issued the
22 following citation against Respondent's station license: on or about May 28, 2013, the Bureau
23 issued Citation No. C2013-0677 to Respondent West Coast Auto Care against their station license
24 for violation of Health and Safety Code section 44012, subdivision (f), (failure to perform a
25 visual/functional check of emission control devices). On or about July 12, 2013, the Bureau
26 served Respondent West Coast Auto Care with the citation. The Bureau ordered Respondent
27 West Coast Auto Care to pay a fine of \$1000.00. Respondent West Coast Auto Care failed to
28 appeal the citation and the citation became effective on August 12, 2013. To date, Respondent
West Coast Auto Care has failed to pay the fine.

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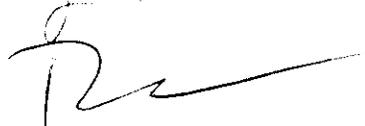
ORDER

IT IS SO ORDERED that Smog Check Station License No. RC 265308, heretofore issued to Respondent Westcoast Auto Care; Rudy Caraves; Hector Manuel Quintanilla, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 24, 2015

It is so ORDERED January 05, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

REVISED DEFAULT.DOCX
DOJ Matter ID:LA2014512435

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **Rudy Caraves and Hector Manuel Quintanilla, Partners,**
14 **dba West Coast Auto Care,**
15 **1402 Santa Monica Blvd.,**
16 **Santa Monica, CA 90404**
17 **Automotive Repair Dealer Registration No. ARD 265308**
Smog Check Station License No. RC 265308
Respondent.

Case No. 79/15-31

A C C U S A T I O N
S M O G C H E C K

18 Complainant alleges:

19 **PARTIES**

20 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
21 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 **Automotive Repair Dealer Registration**

23 2. On or about May 31, 2011, the Bureau issued Automotive Repair Dealer Registration
24 Number ARD 265308 to Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast
25 Auto Care ("Respondent or West Coast Auto Care"). The automotive repair dealer registration
26 was in full force and effect at all times relevant to the charges brought herein, expired on May 31,
27 2013 and has not been renewed.

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1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
2 the Director of jurisdiction to proceed with disciplinary action.

3 9. Section 44072.8 of the Health and Safety Code states:

4 When a license has been revoked or suspended following a hearing under
5 this article, any additional license issued under this chapter in the name of the
licensee may be likewise revoked or suspended by the director.

6 **COST RECOVERY**

7 10. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Failure to Pay Administrative Fine)**

13 11. Respondent West Coast Auto Care has subjected their station license to discipline
14 pursuant to Health and Safety Code section 44050, subdivision (e), in that the Bureau issued the
15 following citation against Respondent's station license: on or about May 28, 2013, the Bureau
16 issued Citation No. C2013-0677 to Respondent West Coast Auto Care against their station license
17 for violation of Health and Safety Code section 44012, subdivision (f), (failure to perform a
18 visual/functional check of emission control devices). On or about July 12, 2013, the Bureau
19 served Respondent West Coast Auto Care with the citation. The Bureau ordered Respondent
20 West Coast Auto Care to pay a fine of \$1000.00. Respondent West Coast Auto Care failed to
21 appeal the citation and the citation became effective on August 12, 2013. To date, Respondent
22 West Coast Auto Care has failed to pay the fine.

23 **OTHER MATTERS**

24 12. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
25 Number RC 265308, issued to Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West
26 Coast Auto Care is revoked or suspended, any additional license issued under this chapter in the
27 name of said licensee may be likewise revoked or suspended by the director.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast Auto Care, Smog Check Station License Number RC 265308;
2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Rudy Caraves and/or Hector Manuel Quintanilla, Partners, dba West Coast Auto Care;
3. Ordering Rudy Caraves and Hector Manuel Quintanilla, Partners, dba West Coast Auto Care to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: August 29, 2014 Patrick Dorais

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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